

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LARRY KIRKLAND, JR.,)
)
Petitioner,)
)
v.) 1:22-cr-95-1
)
) 1:23-cv-384
UNITED STATES OF AMERICA,)
)
)
Respondent.)

ORDER

On June 2, 2023, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 25, 26.) No objections were filed within the time limits prescribed by Section 636.¹

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 25), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Petitioner filing a corrected motion on the proper § 2255 forms.

¹ On August 8, 2023, Petitioner filed a corrected motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence, which is now proceeding as Kirkland v. United States, 1:22-cr-95-1; 1:23-cv-669. (See Doc. 31.)

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 25th day of August, 2023.

William L. Osten, Jr.
United States District Judge